

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00226-01

JOSEPH SAMPSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 16, 2012, the United States of America appeared by R. Gregory McVey, Assistant United States Attorney, and the defendant, Joseph Sampson, appeared in person and by his counsel, David O. Schles, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a forty-two month term of supervised release in this action on March 23, 2012, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 21, 2011.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to follow the instruction of the probation officer on May 23, 2012, that he reside at his father's residence in that he did not do so, as discovered on June 7, 2012; (2) that the defendant failed to notify the probation officer of his change in residence inasmuch as on June 7, 2012, the probation officer learned that he had changed residences without notifying him; (3) that the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered Dismas Charities on March 24, 2012, and was terminated on May 21, 2012, due to multiple disciplinary violations; (4) that the defendant failed to abide by the condition that he refrain from the excessive use of alcohol inasmuch as on August 10, 2012, the defendant admitted to the probation officer that on or about August 7, 2012, he engaged in the use of alcohol to the point that he was unable to remember his behavior; and (5) that the defendant used and possessed synthetic marijuana on July 9, 2012, as evidenced by his admission to the probation officer on

July 23, 2012, that he had used the substance on multiple occasions since his discharge from Dismas Charities on May 21, 2012; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

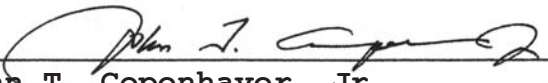
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of three (3)

years of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 30, 2012



John T. Copenhaver, Jr.
United States District Judge